

**TOWN OF ORONO
COUNCIL VIRTUAL MEETING
MONDAY, JUNE 15, 2020 AT 7:00PM**

**WATCH ONLINE AT
<https://zoom.us/j/92974756775>**

(LINK AVAILABLE AT ORONO.ORG)

*Comments can be submitted via email before the meeting at info@orono.org
and during the meeting by using Zoom comment features.*

MINUTES

1. Roll Call

Present: Council Chair Cindy Mehnert, Tom Perry, Laurie Osher, Meghan Gardner, Sam Kunz, Cheryl Robertson, Terry Greenier and Town Manager Sophie Wilson.

2. Agenda Review

Ms. Mehnert stated there has been discussion about adding the proposed Juneteenth proclamation to the agenda. If Council would like to consider the proclamation, then it would need a unanimous vote. Ms. Mehnert requested a motion to add Order 20-91 to the agenda.

Moved by Meghan Gardner and seconded by Sam Kunz to add Order 20-91 (Order, proclaiming June 19, 2020 as Juneteenth in the Town of Orono) to the agenda. The vote was, 6-1 (with Cheryl Robertson opposed). The vote was not unanimous, and therefore Order 20-91 failed to be added to the agenda.

Cheryl Robertson stated she was not opposed to the proclamation, but was opposed to rushing an order on the agenda without properly vetting it. She suggested moving the proclamation to a Council Workshop for further discussion.

3. Approval of Minutes of May 11, 2020 and June 4, 2020

Moved by Tom Perry and seconded by Sam Kunz to approve the minutes. All voted in favor, 7-0.

4. Public Hearings

- a. To consider Victualer's Licenses for: American Legion, Orono IGA, Burger King, Dysart's Travel Stop, Leadbetter's, The Store/Ampersand, Thai Kitchen and Wendy's.**

Public hearing a. opened at 7:11. Community Development Director Dave Milan noted that Code Enforcement inspections have not been done due to Covid-19. He stated that staff recommends approval of the licenses: however, Burger King should be conditioned upon payment of personal property taxes and sewer fees. He suggested Order 20-78 be pulled from consent and taken up separately under New Business. No public comments were made. Public hearing a. closed at 7:15pm.

b. To discuss the 2020-2021 Municipal, Capital and WPCF budgets.

Public hearing b. opened at 7:16. Town Manager Sophie Wilson presented information on the proposed FY21 municipal, capital and WPCF budgets. *(See the PowerPoint presentation.)*

Ms. Wilson stated the local property tax, funds services provided by Penobscot County, RSU#26 and the Town. The three are separate entities that each make up a portion of the total tax rate.

Ms. Wilson reviewed the projected revenues and noted there is still a lot of economic uncertainty with the projections due to Covid-19. She also reviewed the operating expense budgets within each department, the capital improvement plan, and the WPCF budget and its capital plan.

She noted concerns on the horizon for WPCF due to trending declines in consumption and continuing capital needs.

She stated the County assessment is projected to increase the mill rate by .08 over last year, the RSU assessment is projected to increase the mill rate by 1.56 and the municipal budget has no proposed increase. At this point the projected mill rate is 28.09.

No public comments were made. Public hearing b. closed at 8:19pm.

c. To accept comments on the Proposed FY2021 Fee Schedule.

Public hearing c. opened at 8:20. Town Manager Sophie Wilson presented the proposed FY20-21 changes to the Fee Schedule. She noted fee increases for Fire Department lift assists, Parks and Recreation summer camp fees, and deleting the adult softball league. She commented that there will be no-fee residential parking permits required at Gould's Landing in the future.

No public comments were made. Public hearing c. closed at 8:24pm.

d. To review the Orono Village Center District Development Program.

Boundaries of District: Said District shall include real and personal property located on land shown on Orono tax maps as follows: Tax Map 019-004, Lots 061, 062, 063, 065, 066, 067; Map 027-002, Lots 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 047, 048, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 062, 063, 119, 120, 121, 122, 123, 124, 125, 126, 139, 140, 141, 142, 143, 144, 145, 146, 148, 149; Map 027-12, Lots 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013,

014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035 (maps on file in the Assessor's Office at the Municipal Building, 59 Main Street, Orono, ME 04473). The preceding map and lot numbers encompass an area generally described as follows: most properties abutting Route 2 from 87 Main Street to Murray's Campus Service, 5 properties on Forest Avenue, properties abutting Canal, Oak and Summer Streets, most properties abutting Mill Street from Route 2 to Byer Manufacturing, properties abutting the West side of Pleasant Street, most properties abutting Pine Street from Route 2 to Birch Street, 6 Myrtle Street and Alpenglow Adventure Sports.

Public hearing d. opened at 8:25pm. Community Development Director Dave Milan stated each year Council votes on the Village Center District boundaries. He highlighted the new properties on Main Street that have been added to the Village Commercial District and have been included in the Village Center District boundaries this year.

Town Manager Sophie Wilson presented the boundary map of the district. She stated in recent years, due to the Downtown Transit-Oriented TIF District, Council has elected to not utilize the taxing authority provided for within this development district. However, the Town goes through the annual review and adoption of the district in the event funding sources or district needs require the additional tax to be levied in the future, because the costs associated with creating (or recreating) a development district are significant. The Council has assessed \$0 again this year because of the TIF district funds that are available for the programs.

No public comments were made. Public hearing d. closed at 8:28pm.

- e. Implementation assessments to be assessed against real and personal property for the municipal development district located in the downtown area, known as the Village Center Tax District.**

Maximum Rate of Assessments to be Extended in Any One Year: \$0.50 per thousand dollars of assessed value as of April 1, 2020. The assessment proposed to be levied for a one-year program commencing on July 1, 2020 and ending on June 30, 2021 is \$0.00 per thousand dollars of assessed value.

Public hearing e. opened at 8:28. Town Manager Sophie Wilson noted the information is the same as in public hearing d, but established the assessment rate, which is proposed at \$0.00 per thousand dollars of assessed value.

No public comments were made. Public hearing e. closed at 8:29pm.

- f. A 6-Month Moratorium Ordinance on Commercial Solar Projects to Regulate Solar Farms.**

Public hearing f. opened at 8:30pm. Dave Milan stated it has come to staff's attention that the current ordinance language does not include adequate language to address standards/performance

impacts of commercial solar installations. This moratorium will provide staff time to work with the Council to develop the rules and consider new language to address the concerns. Council will consider adoption of the moratorium next month.

No public comments were made. Public hearing f. closed at 8:33pm.

g. To consider a First Amendment to the EnvisioNet Municipal Development and Tax Increment Financing District Development Program.

Public hearing g. opened at 8:34pm. Community Development Director Dave Milan explained that the EnvisioNet TIF district is scheduled to expire in July 2020. Mr. Milan gave a brief overview of the TIF: it is a 20 year TIF created in 2000 intended to employ 1000 people; 100% of the new value is captured at 3 Godfrey Drive; 26.57 acre district in 5 areas of town; TIF bonds and Credit Enhancement Agreement (CEA not used due to closure). He explained EnvisioNet lost its contract with Microsoft and filed bankruptcy in 2001. Microdyne took over the space with only 275 people. In 2015 the building was sold to a private developer and has been vacant since 2017. The district has struggled to provide results for the first 15 of its 20 years.

The proposal is to extend the TIF for an additional 10 years. The development plan will be amended to include additional qualified uses for funds: child care/adult care services, economic development revolving loan fund, investment fund or grant program and recreational trails.

Ms. Robertson asked if the building could be divided and have multiple leases. Mr. Milan confirmed that it could. He noted it is a 52,000 square foot building (with two floors) and could be divided into 2-4 units. He noted that he was working with developers before Covid-19 and will continue to do so when possible.

No public comments were made. Public hearing g. closed at 8:44pm.

5. Acknowledgments by Council Members

Sam Kunz acknowledged the community action and support with Pride Month, noting the donated funds for the flags and window paintings. He thanked Cami Carter and Jon Hawley for the Pride sculptures. He acknowledged the upcoming Traveling Artsapalooza on June 20th from 5-8pm. He also acknowledged Meghan Gardiner for her assistance in writing the Juneteenth Proclamation.

Laurie Osher acknowledged the Supreme Court ruling today that discrimination against LGBTQIA in the workplace is unacceptable based on the 1964 Civil Rights Act. She recalled that the same argument was used in her workplace discrimination case against the USDA Forest Service 30 years ago. She said that her coworkers maintained that seeing her with her girlfriend in the parking lot in the workplace created a hostile workplace environment for them. She noted that the EEOC ruled in her favor and the USDA changed the protection status of workers to include sexual orientation.

Tom Perry acknowledged the hard work of the Town Manager and Department Heads with this budget process. He noted the challenges during this unusual time and his appreciation for the extra efforts.

Meghan Gardner echoed the comments of community stakeholders coming together for the Pride project by investing their time, money and efforts to paint windows, develop sculptures and fund the flags. She noted the community posting pictures with #OronoPride2020 have raised over \$1,300 for Maine TransNet. She noted the positive feedback received about Pride Month.

Ms. Gardner also noted the support of citizens wanting to talk about racism and the experiences of black people and people of color and was the reason behind drafting the proclamation for Juneteenth (a holiday to celebrate African Americans). She also acknowledged the group Equality Orono that is asking individuals and businesses to support Black Lives Matter. She expressed her disappointment in not discussing the Juneteenth Proclamation.

Cheryl Robertson reminded citizens that absentee ballots are available. She also noted that Household Hazardous Waste Day is June 20th (8am-noon). Ms. Robertson appreciated Orono High School's graduation for their seniors. She noted it was a great effort.

Terry Greenier noted that Juneteenth was a huge celebration in Alaska where he used to live. He noted his disappointment in not acknowledging it tonight. He thanked his fellow Councilors for their hard work during these tough times.

6. Unfinished Business - None

7. Consent Agenda

Ms. Mehnert noted moving the consent agenda with the exception of Order 20-78 which will be taken up separately under New Business.

Order 20-76 Order, approving a Victualer's License for the American Legion.

Order 20-77 Order, approving a Victualer's License for Orono IGA.

Order 20-79 Order, approving a Victualer's License for Dysart's Travel Stop.

Order 20-80 Order, approving a Victualer's License for Leadbetter's, 232 Main Street.

Order 20-81 Order, approving a Victualer's License for The Store/Ampersand.

Order 20-82 Order, approving a Victualer's License for Thai Kitchen.

Order 20-83 Order, approving a Victualer's License for Wendy's.

Order 20-84 Order, acknowledging Executive Order(s) 39 FY 19/20 which postponed

the June 9, 2020 State Primary/RSU No. 26 Budget Validation Election to Tuesday, July 14, 2020 and Order 56 FY 19/20 which facilitates safe Election guidelines during a pandemic; and to further set the hours of voting as 7:00AM to 8:00PM and the polling place as the Council Chambers for Ward 1, Precincts 1, 2, & 3.

Order 20-85 Order approving the Town Clerk's appointment of Belle Ryder, Patricia Davis and Danielle Murphy as Wardens for the July 14, 2020 State Primary/RSU No. 26 Budget Validation Election for Ward 1, Precincts 1, 2, & 3.

Moved by Sam Kunz and seconded by Tom Perry to approve the consent agenda. All voted in favor, 7-0.

8. New Business

Order 20-78 Order, approving a Victualer's License for Burger King, *conditioned upon the Treasurer's receipt of payment of outstanding personal property taxes and sewer use fees as required by Town of Orono Ordinance Chapter 29, Section 34 (b).*

Moved by Sam Kunz and seconded by Tom Perry and friendly amended to approve the license, conditioned upon the Treasurer's receipt of payment of outstanding personal property taxes and sewer use fees as required by Town of Orono Ordinance Chapter 29, Section 34 (b). All voted in favor of the order as amended, 7-0.

Order 20-86 Order, proclaiming the Month of June as Pride Month in the Town of Orono.

Moved by Sam Kunz and seconded by Chery Robertson. All voted in favor, 7-0.

Mr. Kunz thanked Ms. Wilson and Ms. Gardner for drafting the proclamation for Pride Month.

Order 20-87 Order, approving the First Amendment to the EnvisioNet Municipal Development and Tax Increment Financing District.

WHEREAS, the Town of Orono (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend the EnvisioNet Municipal Development and Tax Increment Financing District (the "District") and Development Program (the "Development Program"); and

WHEREAS, the District was first approved by the Maine Department of Economic and Community Development ("DECD") on July 13, 2000 for a term of twenty (20) years; and

WHEREAS, there is a need for economic development in the Town of Orono, in the surrounding region, and in the State of Maine; and

WHEREAS, the Town desires to adopt this First Amendment to the District and Development Program (the “First Amendment”) to continue to achieve the District’s original goals by extending the term of years of the District to thirty (30) years and by adding additional project costs to the Development Program’s project list; and

WHEREAS, the Town Council has held a public hearing on June 8, 2020, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town, on the question of amending the Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development (the “Department”), approving this *First Amendment to the EnvisioNet Municipal Development and Tax Increment Financing District*.

ORDERED AS FOLLOWS:

Section 1. The Town of Orono hereby approves the First Amendment; such amendment to be pursuant to the following findings, terms, and provisions:

Section 2. The Town Council hereby finds and determines that:

a. This First Amendment will not result in the District falling out of compliance with any of the conditions of 30-A M.R.S.A. § 5223(3); and

b. The District and pursuit of the First Amendment will make a contribution to the economic growth and wellbeing of the Town of Orono and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town of Orono, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The Town has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the Amended Development Program.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the Development Program is hereby established as set forth in

the Development Program.

Section 4. The Town Manager, or *her* duly appointed representative, is hereby authorized, empowered and directed to submit the proposed First Amendment to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 5. The foregoing adoption of the First Amendment shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the First Amendment by the Department, without requirement of further action by the Town, the Town Council, or any other party.

Section 6. The Town Manager, or *her* duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Development Program for the District as the Town Council, or its duly appointed representative, deem reasonably necessary or convenient in order to facilitate the process for review and approval of the First Amendment by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.

Ms. Mehnert asked for a motion to waive the reading of the entire order.

Motion by Tom Perry and seconded by Cheryl Robertson to waive the reading of the order due to the late hour. All voted in favor, 7-0.

Moved by Tom Perry and seconded by Sam Kunz to approve Order 20-87. All voted in favor, 7-0.

Sam Kunz requested the language be cleaned up to be gender specific in sections 4 and 6. Ms. Wilson stated she would make sure it is corrected.

Order 20-88 Order, accepting the Maine DEP 2020 Clean Water State Revolving, Climate Adaptation Plan Principal Forgiveness Grant of up to \$20,000 for WPCF; authorize the Town Manager to execute all documentation with Maine DEP and the Maine Municipal Bond Bank necessary to secure said funds; and engaging Olver Associates of Winterport to complete the project at an amount not to exceed \$20,000.

Moved by Cheryl Robertson and seconded by Laurie Osher. All voted in favor, 7-0.

Ms. Wilson explained that the Town had applied for the planning grant but had not received funding. In late May, the Town received notice that some communities had not accepted the funds and therefore there were funds available. The grant will allow the Town to work with Olver Associates to identify the impacts of climate change and develop a plan to address it. She

noted the grant is structured in a manner that requires the Town to borrow \$20,000 from the Maine Municipal Bond Bank which is then forgiven. She noted there is no cost to the Town.

Order 20-89 Order, authorizing the Town Manager to enter into an agreement with Olver Associates of Winterport for engineering services for the Mill Street Sanitary Storm Sewer Separation with funds drawn from the Downtown & Transit-Oriented TIF District Program Development Fund.

Moved by Sam Kunz and seconded by Tom Perry. All voted in favor, 7-0.

Ms. Wilson noted on the corner of Main and Mill Streets (in the Pine Street lot) there is a catch basin that collects a lot of stormwater that is connected to the sanitary sewer system, causing extensive stormwater inflow. Working with the Town Engineer, staff has planned a project that will disconnect the stormwater from the sanitary sewer system and connect it to a catch basin at the Mill/Main intersection. She noted it will cost approximately \$110,000 with funds from the Downtown & Transit-Oriented TIF District funds. WPCF Superintendent Joe Madigan plans to bid out this project with other planned projects for the best pricing.

Order 20-90 Order, authorizing the Town Manager to enter into an agreement with Connectivity Point Design and Installation, LLC of Auburn for Town Office structured CAT 6 cabling not to exceed \$16,000 to be drawn from the approved FY20 Capital Facilities Budget.

Moved by Sam Kunz and seconded by Cheryl Robertson All voted in favor, 7-0.

Assistant Town Manager Belle Ryder stated this project seeks to recable the Town Office to support communication, IT, and AV systems. She noted the project will demo the old cabling and replace it with new cabling. She noted it is a modernization and updating project with a certified contractor. She noted most of the cabling will be through the ceiling or with an exterior cabling conduit.

9. Council Committee/Representative Reports

Ms. Gardner stated the Orono Historical Society has not met (due to Covid-19), but will hopefully meet in the fall.

Mr. Perry stated that he and Ms. Mehert (representing the Finance Committee) talked with the auditors regarding the audit and received a very positive report on the cooperation from staff and that everything was going smoothly.

10. Future Agenda Items/Items of Concern

Ms. Robertson commented she would like to have Council discuss as part of their Work Plan the process and policy for proclamations.

Ms. Mehnert requested an update on the budget status by the end of June.

11. Public Petitions - None

12. Public Comments

Ms. Wilson requested Councilors send in their Work Plan ideas as soon as possible.

Ms. Wilson provided an update on Gould's Landing/Nadeau-Savoy Park. She described the boat launch spots for the public and that Nadeau-Savoy Park will be accessible by permit only to Orono residents during Covid-19.

She also described the new Parks and the Recreation programming for the community this summer which will follow CDC guidelines. She noted information will be available on the Town's website and through the Town's Facebook page.

Ms. Mehnert thanked Council for its hard work on the budget process.

13. Adjournment

At 9:25pm, Sam Kunz moved and Tom Perry seconded to adjourn. All voted in favor, 7-0.

Minutes are not verbatim. A video-recorded version is available on the Town's website at www.orono.org.

Respectfully submitted,

Nancy W. Ward
Executive Assistant